

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:07-CV-00317-DCK**

PATSY M. DENNISON,

Plaintiff,

vs.

**METROPOLITAN LIFE INSURANCE
COMPANY; SPX LONG TERM
DISABILITY PLAN; SPX CORPORATION,
in its capacity as Plan Administrator of SPX
Long Term Disability Plan,**

Defendants.

ORDER

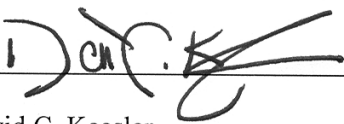
THIS MATTER IS BEFORE THE COURT on Defendants' "Renewed Partial Motion To Dismiss" (Document No. 13) and "Brief In Support..." (Document 14), filed June 6, 2008 and "Plaintiff Patsy Dennison's Notice Of Non-Opposition to Dismissal Of Second Cause Of Action For Breach Of Fiduciary Duty" (Document No. 29), filed June 24, 2008. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is now ripe for disposition.

Having carefully considered the papers, the record, and the applicable authority, the undersigned will grant the motion. The Court notes that Plaintiff states in her response that she "does not object to dismissal of her second cause of action for breach of fiduciary duty." (Document No. 29 at 1). Furthermore, Defendants have shown good cause for their motion to dismiss Plaintiff's second cause of action.

IT IS, THEREFORE, ORDERED that Defendants' "Renewed Partial Motion To Dismiss" (Document No. 13) is **GRANTED**.

SO ORDERED.

Signed: July 1, 2008

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

